

COPY

in
F49

Opinion

September 17, 1958

NEW HAMPSHIRE LAW LIBRARY

OCT 01 1998

CONCORD, N.H.

Hon. W. Douglas Scamman
Speaker of the House of Representatives
Stratham, New Hampshire

Dear Mr. Scamman:

In your letter of September 15, 1958 you refer to the failure of the Governor and Council to award the contract for installing seats in Representatives Hall to the only responsible bidder and you ask whether the Clerk of the House of Representatives or the Secretary of State can now order these seats, chargeable to the legislative appropriation.

RSA 8:20 authorizes the Director of Purchase & Property on requisition of the Clerk of either legislative body or of the Secretary of State, to purchase legislative supplies. The legislative appropriations to which you refer are contained in Chapters 320 and 321 of the Laws of 1957. Neither of these provisions contain any reference to purchase of seats for Representatives Hall. The only reference in this respect is contained in Section 1, Chapter 293, Laws of 1957 relating to appropriations for capital improvements. In view of the specific appropriation for seats in Chapter 293, with the requirement that the contract be awarded in accordance with the provisions of RSA 228:4, it is my opinion that any attempt to purchase the seats without competitive bidding would constitute a circumvention of a clear legislative mandate.

It should be noted that even if such a purchase was authorized, in all the circumstances, no money could be spent by the State Treasurer unless he had received a warrant under the hand of the Governor with the advice and consent of the Council. N.H. Const. Part II, Art. 5, 56.

With every good wish,

Sincerely,

ETB
LCW/m

Louis C. Wyman
Attorney General